

**DRUG DIVERSION REPORTING REQUIREMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill relates to the duty to report drug diversion.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ makes it a class B misdemeanor to knowingly fail to report known or suspected drug diversion to law enforcement, unless reporting would violate HIPAA.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**76-10-2203**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-10-2203** is enacted to read:

**76-10-2203. Duty to report drug diversion.**

(1) As used in this section:

(a) "Diversion" means a practitioner's transfer of a significant amount of drugs to



28 another for an unlawful purpose.

29 (b) "Drug" means a Schedule II or Schedule III controlled substance, as defined in  
30 Section 58-37-4, that is an opiate.

31 (c) "HIPAA" means the same as that term is defined in Section 26-18-17.

32 (d) "Opiate" means the same as that term is defined in Section 58-37-2.

33 (e) "Practitioner" means an individual:

34 (i) licensed, registered, or otherwise authorized by the appropriate jurisdiction to  
35 administer, dispense, distribute, or prescribe a drug in the course of professional practice; or

36 (ii) employed by ~~an individual~~ a person who is licensed, registered, or  
36a otherwise authorized by  
37 the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course  
38 of professional practice ~~or standard operations~~ .

39 (f) "Significant amount" means an aggregate amount equal to, or more than, ~~100~~  
39a 500 morphine milligram equivalents calculated in accordance with guidelines developed by the  
40 Centers for Disease Control and Prevention (CDC).

42 (2) An individual is guilty of a class B misdemeanor if the individual:

43 (a) knows ~~or has reason to believe~~ that a practitioner is involved in diversion;  
43a and

44 (b) knowingly fails to report the diversion to a peace officer or law enforcement  
45 agency.

46 (3) Subsection (2) does not apply to the extent that an individual is prohibited from  
47 reporting by ~~42 C.F.R. Part 2 or~~ HIPAA.